

# ADLC APPROVES MAJOR DEVELOPMENT PERMIT TO BUILD SLAG PLANT



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EDITOR

County commissioners approved a Major Development Permit Tuesday night for Premier Industries, LLC., to begin construction of foundations for its \$50 million slag processing plant in the Mill Creek Tax Increment Finance Industrial District east of Anaconda.

Although the permit was approved, one member of the community, John Fitzpatrick, raised concerns about permitting requirements for the project.

Fitzpatrick, who recently retired from a 40-year career of working in governmental affairs, permitting, project construction management and environmental management, told the commission that if Rick Tabish of FX Solutions, which is

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handing the construction, project management and logistics for the new plant, begins construction without first applying for a state Air Quality Permit, he will be in violation of the Montana Air Quality Act.

The Montana Code Annotated states, "not later than 180 days before construction ... the owner or operator shall file with the department the appropriate permit application," Fitzpatrick said in a written statement he read at the commission meeting and provided to the Leader.

The Administrative Rules derived from the statute reinforces that language and says, "a person may not construct ... without first obtaining a Montana Air Quality Permit," he said.

The rules further define the term construction to include "the installation of building supports and foundations," he said.

"This is exactly what Premier wants to install now," Fitzpatrick said. "Their

plans are clearly prohibited by law until he deals with the Air Quality Permit process."

The fine for violating the Air Quality Act can be as high as \$10,000 a day, he said.

"As the Deer Lodge County Commission, your first responsibility is to protect the health, welfare and safety of the citizens," Fitzpatrick stated. "You don't have the authority to issue an Air Quality Permit but you certainly have the right to ask a prospective developer like Premier some tough questions about their process and to expect truthful and complete answers. I came to this meeting tonight to give Premier a message and that message is simple - engage the public truthfully, fully disclose the nature of your enterprise, and follow the law. Do that and the project will sail. Do that and I will be the first to cheer Premier's success."

Tabish, who was not at the commission meeting

Tuesday, said at a public meeting earlier this month that Bison Engineering of Helena has been hired and is putting together the application for the Air Quality Permit and Copper Environmental of Anaconda is coordinating permitting requirements.

Initially, the Major Development Permit was not approved after a motion to consider it died for lack of a second. However, it was brought up later in the meeting and approved with conditions that Premier's final plans and specifications be given to the county for review before construction begins, along with a timeline for when other permits will be submitted, including the air quality permit, building permits, potable water and municipal sewer extension approvals.

For more information about the county's Major Development Permit, call Planning Director Chad Ariss at 563-4010.